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Docket No. 2000P163824
(FUK.011)

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REMARKS

Entry of this Amendment is proposed because it is believed to place the application in condition for immediate allowance, does not raise any new issues requiring further search, or alternatively, narrows the issues on appeal.

Claims 1-12 and 14 are presently pending in this application.

Applicant gratefully acknowledges that claims 1-5 and 8-14 are allowed.

Independent claims 6 and 7 have been amended to define more clearly the features of the present invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 6, 7, and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Song (U.S. Patent No. 6,327,471).

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

In an illustrative, non-limiting aspect of the invention, as defined for example, by independent claim 6, a communicative base station switching system of a portable terminal

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for switching a communicative base station while in motion includes a base station memory section for storing base station position data, a base station position comparing section for receiving position data from a global positioning system of a mobile body and obtaining and comparing the distances of a plurality of neighbor base stations from the portable terminal by using the received position data as the position data of the portable terminal, and a base station frequency switching section for switching the communicative base station of the portable terminal to one neighbor base station of the plurality of neighbor base stations based on which of the neighbor base stations is closest to the portable terminal according to the result of comparison in the base station position comparing section, wherein the base station position memory section stores latitude and longitude positions of base stations.

In another exemplary aspect of the invention, as defined for example, by independent claim 7, a communicative base station switching system of a portable terminal switches a communicative base station while in motion in which base station position data and portable terminal position data are obtained. In the exemplary aspect, distances of a plurality of neighbor base stations from the portable terminal are obtained on the basis of the obtained position data and the communicative base station of the portable terminal is switched to one of the neighbor base stations based on which neighbor base station is located closest to the portable terminal. The communication base station switching system further includes a global positioning system section for obtaining latitude and longitude positions of base stations.

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II. THE PRIOR ART REJECTION

Claims 6, 7, and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Song.

The Examiner alleges that Song discloses each and every element of the claims 6, 7, and 14. However, for the following reasons, Applicant submits that Song does not disclose or suggest all of the features of the claimed invention in as complete detail as recited in the claims.

For example, independent claim 6 recites, *inter alia*, a communicative base station switching system including:

a base station position comparing section for receiving position data from a global positioning system of a mobile body and obtaining and comparing the distances of a plurality of neighbor base stations from the portable terminal by using the received position data as the position data of the portable terminal; and

a base station frequency switching section for switching the communicative base station of the portable terminal to one of the neighbor base stations of the plurality of neighbor base stations based on which of the neighbor base stations is closest to the portable terminal according to the result of comparison in the base station position comparing section (emphasis added).

Somewhat similarly, independent claim 7 recites, *inter alia*, a communicative base station switching system in which:

distances of a plurality of neighbor base stations from the portable terminal are obtained on the basis of the obtained position data, and the communicative base station of the portable terminal is switched to one of the neighbor base stations based on which neighbor base station is located closest to the portable terminal (emphasis added).

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In comparison, Song discloses a “distance based registration method” in which “each cell base station transmits its location information and a predetermined limit distance value.”

Song further discloses that “each radiotelephone calculates a distance between the cell base station for the cell in which it is located, based upon the transmitted current cell base station location information, and a previous cell base station location information in which the radiotelephone was previously registered.” Song also discloses that the radio telephone “registers with the current cell base station when a computed distance is greater than a previous cell base station limit distance value” (e.g., see Song at column 5, lines 25-44).

Song does not, however, disclose or suggest “comparing the distances of a plurality of neighbor base stations”, but instead, discloses comparing only the current cell base station location with the previous cell base station location.

Moreover, Song does not disclose or suggest “switching the communicative base station of the portable terminal to one of the neighbor base stations of the plurality of neighbor base stations based on which of the neighbor base stations is closest to the portable terminal.” Instead, Song specifically discloses that the radiotelephone “registers with the current cell base station when a computed distance is greater than a previous cell base station limit distance value” (e.g., see Song at column 5, lines 25-44).

Thus, Song does not disclose or suggest determining, from a plurality of neighboring base stations, the base station which is closest to the cellular radiotelephone (e.g., see Song at column 6, lines 48-50).

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Therefore, Song would not provide the advantages derived from the structural elements of the claimed invention which ensure more accurate operation of the switching section while reducing the burden on the switching section.

For the foregoing reasons, Applicant respectfully submits that independent claims 6 and 7, as well as dependent claim 14, are not anticipated by, or rendered obvious from, Song. Therefore, Applicant respectfully requests that the Examiner withdraw this rejection and permit these claims to pass to immediate allowance.

III. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-12 and 14, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: November 19, 2004



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CERTIFICATION OF TRANSMISSION

I certify that I transmitted the enclosed Amendment under 37 CFR §1.116 to Examiner Congvan Tran via facsimile to (703) 872-9306 on November 19, 2004.


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